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January 14, 2021

Via e-mail and ECF

Hon. Robert D. Drain
U.S. Bankruptcy Court
300 Quarropas Street
White Plains, NY 10601-4140

RE: Mosdos v. Mosdos (12-23616) (Adv. Pro. 20-08949)

Dear Judge Drain:

The undersigned is litigation counsel to the Defendant/Reorganized Debtor, Mosdos Chofetz Chaim Inc. ("Mosdos"). We are in receipt of a letter of this date to the Court from Brian Condon, Esq. requesting "permission to appear" on behalf of "congregation members of Mosdos Chofetz Chaim ...at the upcoming trial on their behalf." We are not certain whom Mr. Condon is referring to by that designation, however the plaintiffs in the above-referenced adversary proceeding, aside from Mosdos itself, are specific individuals who brought the action derivatively, purportedly on behalf of Mosdos. So we are unclear as to exactly whom Mr. Condon proposes to "represent" (in the event that any trial goes forward after the Court's decision on the sub judice *in limine* motion) or why counsel for the Plaintiffs cannot adequately protect their interests.

Secondly, Mr. Condon presently is the attorney of record for Petitioner Michael Mehlon in a pre-action petition seeking relief against, among others, Rabbi Mayer Zaks and Sima Weintraub (Rabbi Mayer Zaks' wife). That action is pending before Judge Halpern in the Southern District under Docket No. 05536/2020. A copy of the amended Petition in that case is enclosed. As can be seen therefrom, Mr. Condon alleges that Rabbi Mayer Zaks, his wife, and others "have induced, coerced, extorted, and/or manipulated Respondent Alfons Melohn to, *inter alia*, Transfer, invest, and/or otherwise remit in excess of \$100 Million Dollars to one or more Respondents to perpetuate a fraudulent scheme of, *inter alia*, money laundering, fraud, conversion to the detriment of the Petitioner, the Trust, and Alfons Melohn and to the sole benefit of one or more of the Respondents ..." He further stated that his client "intends to commence an action against Respondents and the John Doe Respondents for, *inter alia*, violations of civil RICO pursuant to 18 U.S.C. § 1961 et seq., fraud, conversion, constructive trust, and money had and received, the scheme by which Respondents intended to harm Petitioner and Respondent Alfons Melohn. Upon information and belief, the amount of damages sought will exceed \$100 Million Dollars, based upon the damages sustained to Petitioner, the Trust, and Alfons Melohn." We are not sure how Mr. Condon, an attorney representing a client who asserts that Rabbi Mayer Zaks engaged in a RICO conspiracy resulting in alleged losses to his client of \$100,000,000.00 is not conflicted in a proposed representation of what Rabbi Mayer Zaks says is "his congregation." We called Mr. Condon to discuss that in advance of sending this letter, however we could not reach him.

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We do not believe that it is appropriate for any other parties to intervene in this case at this late stage, and, therefore, object to Mr. Condon's letter application to appear on behalf of any unidentified parties.

Thank you for your attention.

Respectfully,



MICHAEL LEVINE

cc. All counsel (via e-mail)